N THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

-

WRIT PETITION NO : 10376 of 2005

Between:

V.Nagabhushanam, s/o Brahmaiah,
Bejjanki Mandal, Karimnagar District.

..... PETITIONER

AND

1 The Government of Andhra Pradesh,

rep., by its Principal Secretary,

Panchayat Raj Department,
Secretariat Buildings, Hyderabad.
2 The District Collector (Panchayat Wing),

Karimnagar District.
3 The District Panchayat Officer,

Karimnagar District, at Karimnagar.
4 The Mandal development Officer,

Bejjanki Mandal, Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus, declaring the action of the 1st respondent in not considering the revision and the Suspension Petition filed by the petitioner on 18-03-2005 against the order passed by the 2nd respondent dated 09-02-2005, as bad, arbitrary, against law and

violative of principles of natural justice and consequently direct the 1st respondent to hear and dispose of the revision filed by the petitioner herein pass such other and further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.C.DAMODHAR REDDY

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the admission stage made the following :

ORAL ORDER:

This writ petition is filed seeking a declaration that the action of the first respondent in not considering the revision petition filed by the petitioner on 18-03-2005 against the suspension order passed by the second respondent *vide* No.A6/1811/04-Pts dated 09-02-2005 is illegal and arbitrary, and consequently to direct the first respondent to hear and dispose of the revision filed by the petitioner.

The petitioner, who is the Sarpanch of the Gram Panchayat, Guggilla, is placed under suspension by the second respondent *vide* No.A6/1811/04-Pts dated 09-02-2005. Aggrieved by the same, the petitioner filed W.P.No.5017 of 2005, whereunder this Court disposed of the same granting leave to the petitioner to file revision before the first respondent under Section 264 of the A.P.Panchayat Raj Act, 1994. As per the said directions, the petitioner filed a revision petition before the first respondent on 18-03-2005. Stating that no orders are passed on the said revision petition, petitioner came up with the present writ petition.

Heard both sides and perused the entire material on record.

The petitioner is placed under suspension as early as on 09-02-2005. Admittedly, the petitioner had availed the alternative remedy of revision, and the same is pending with the first respondent. Therefore, it is just and proper to direct the first respondent to consider the said representation and dispose of the same on merits, after giving notice and opportunity to the petitioner as expeditiously as possible, preferably within a period of three weeks from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly, at the admission stage. There shall be no order as to costs.

29-04-2005

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Copy to:

1. The Principal Secretary,

Government of Andhra Pradesh,

Panchayat Raj Department,
Secretariat Buildings, Hyderabad.

2 The District Collector (Panchayat Wing),

Karimnagar District.

3 The District Panchayat Officer,

Karimnagar District, at Karimnagar.

4 The Mandal development Officer,

Bejjanki Mandal, Karimnagar District.

5 Two CCs to the G.P. for Panchayat Raj,

High Court Buildings, High Court of A.P.,

Hyderabad (O.U.T.)

6 Two CD copies.